

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Oscar Rivera Lobo,)
Plaintiff,)
v.)
Sgt. Norman; Allen Tinasley;)
Sgt. Bambridge; John Doe,)
Officer; Jane Doe, Officer;)
Cpt. Hollister; Scotty Bodiford;)
Jim Doriety, Director,)
Defendants.)

C.A. No. 1:11-cv-00254-JMC
ORDER

This matter is before the court on Plaintiff's Complaint alleging that his constitutional rights were violated in connection with the sewer line problems, thereby causing a change of his housing unit and resulting in his physical injuries. [Doc. # 1]. Plaintiff Oscar Rivera Lobo, a detainee in the Greenville County Detention Center proceeding *pro se*, seeks relief pursuant to Title 42, United States Code, Section 1983. The Magistrate Judge's Report and Recommendation [Doc.# 18], filed on March 18, 2011, recommends that Defendants Cpt. Hollister, Scotty Bodiford, and Jim Doriety be dismissed from this action without prejudice and without issuance and service of process and that the action continue as to Defendants Sgt. Norman, Allen Tinasley, Sgt. Bambridge, John Doe, and Jane Doe. The Report and Recommendation sets forth in detail the relevant facts and legal standards on this matter, and the court incorporates the Magistrate Judge's Report herein without a recitation.

The Magistrate Judge's Report and Recommendation is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge

makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

Plaintiff was advised of his right to file objections to the Report and Recommendation [Doc. # 18-1]. However, Plaintiff filed no objections to the Report and Recommendation.

In the absence of objections to the Magistrate Judge's Report and Recommendation, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report and Recommendation results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts the Magistrate Judge's Report and Recommendation [Doc. # 18] and incorporates it herein. It is therefore **ORDERED** that Defendants Cpt. Hollister, Scotty Bodiford, and Jim Doriety are

DISMISSED from this action. Furthermore, this action will continue as to Defendants Sgt. Norman, Allen Tinasley, Sgt. Bambridge, John Doe, and Jane Doe.

IT IS SO ORDERED.

s/ J. Michelle Childs
United States District Judge

Greenville, South Carolina
April 6, 2011